

MAR 21 2005

PTO/SB/81 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**Docket Number (Optional)
1072-P0001

First named inventor: SAGE, Mike

Art Unit: 3627

Application Number: 09/738,649

Examiner: FISCHER, Andrew

Filed: 12/13/2000

Title: System And Method For Implementing A Wireless Network In A Service Center For Generating A Repair Order

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☒ small entity - fee \$ 250.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☐ other than small entity - fee \$ (37 CFR 1.17(l)).

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of
Office Action Response (Restriction) (Identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

- B. The issue fee of \$ _____

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

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PAGE 27 * RCVD AT 3/21/2005 7:00:37 PM (Eastern Standard Time) * SVR:USPTO-EFXXF-1/7 * DN08:8729308 * CSID:838 777 5425 * DURATION (mm-ss):03-38

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

March 21, 2005

Date

(866) 221-6964

Telephone Number

53288

Registration Number, if applicable

Signature

Joseph J. Mayo

Typed or printed name

7910 Ivanhoe Ave #525

Address

La Jolla, CA 92037

Address

Enclosure

☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

March 21, 2005

Date

Signature

Joseph J. Mayo

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

March 21, 2005

Date

53288

Registration Number, if applicable

Joseph J. Mayo

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Applicant Mike Sage never received the Office Action of August 27th, 2003 and states that his former representative has stated that his former representative never received the Office Action. Mike Sage discovered on February 8th, 2005 that the application was abandoned on April 5th, 2004 when performing a search on the USPTO website for applications bearing his name. Upon review he immediately called Primary Examiner Bob Olszewski at 703-308-5183 in Art Unit 3627. At that time, Primary Examiner Olszewski could not locate the paper file that at that time was not in PAIR. Applicant's new representative filed a Revoke Power of Attorney and New Power of Attorney on February 16th, 2005. The paper file was finally located and the Power of Attorney was matched with the paper file on 3/17/2005. At that time Primary Examiner Bob Olszewski FAXed the outstanding office action (restriction) to Applicant's new representative for purposes of Reviving the Application.

Applicant therefore requests revival based on the unavoidable event of not receiving the office action and if this request for revival under 37 C.F.R. 1.137(a) is not accepted, then please consider this a revival request for unintentionally abandoned application under 37 C.F.R. 1.137(b) and make any charges not accounted for herein to deposit account 502689.

(Please attach additional sheets if additional space is needed.)

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